

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AARON ROUBIQUE

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

*
*
* **ENFORCEMENT TRACKING NO.**
* **SE-P-00-0202**
* **AGENCY INTEREST # 84715**
*
* **DOCKET NO. 2001-2383-EQ**
*

SETTLEMENT

The following Settlement is hereby agreed to between Aaron Roubique ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (the "Act").

I

Respondent is an individual who operates an unauthorized woodwaste facility known to the Department as the Aaron Roubique Unauthorized Dump located at 17735 Riverside Park Drive, Baton Rouge, East Baton Rouge Parish, Louisiana.

II

On January 22, 2001, the Department issued a Penalty Assessment in the amount of \$5,819.21 to Respondent, which was based upon the following findings of fact:

- A. On or about August 23, 2000, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-00-0054 for processing, disposing and burning of off-site generated woodwaste without a permit or other authorization from the Department. This is a final action by

the Department and not subject to further review.

- B. On or about December 14, 2000, the Department conducted a follow-up investigation that revealed that Respondent continued to process, dispose and burn off-site generated woodwaste without a permit or other authorization from the Department, in violation of LSA-R.S. 30:2155, LAC 33: VII.315 A, E and Q.

III

In response to the Penalty Assessment, Respondent made a timely request for a hearing.

IV

Respondent denies he committed any violations or is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to undertake and complete the following projects:

- A. Within sixty (60) days of receiving notice the Settlement Agreement becomes final, Respondent shall construct and erect a fence across each normal point of ingress and egress at the property described in Paragraph I. The fence shall be constructed of not less than three-strand wire, or its equivalent.
- B. On the fence, at all normal points of ingress and egress, Respondent shall place signs bearing the words "No Trespassing" and/or "No Dumping Allowed" in letters at least three and one-half (3 ½) inches high.

- C. Respondent will not accept or permit the deposit of woodwaste or any other regulated solid waste at the site referenced in Paragraph I without a permit or other authority issued by the Department.

VI

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

In consideration of the above, the Department will not seek to recover any penalty amount assessed herein, provided Respondent undertakes and timely completes the projects listed in Paragraph V and does not allow the deposition of any regulated solid waste at the site. The Department will dismiss, without prejudice, any claims for penalties in this matter. However, should Respondent allow the deposition of solid waste at the site, the Department reserves its rights to reopen this action and assess further penalties for further noncompliance.

XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

WITNESSES:

Burt A. Dally

RESPONDENT

BY: Aaron Ronbigne
(Signature)

AARON Ronbigne
(Printed)

Rodney James

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this 13th day of
June, 2003, in E. Baton Rouge, Parish
of Baton Rouge, Louisiana.

Stacy Moore
NOTARY PUBLIC

WITNESSES:

Jepp Hatcher

James LaFon

STATE OF LOUISIANA
Hall Bohlinger, Secretary
Department of Environmental Quality

BY: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 25th day of
November, 2003, in Baton Rouge, Louisiana.

AP of
NOTARY PUBLIC

Approved: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AARON ROUBIQUE

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

*
*
* Enforcement Tracking No. SE-P-00-0202
* Agency Interest No. 84715
*
* Docket No. 2001-2383-EQ
*

This Settlement Agreement has been reviewed, and is concurred in, by the Attorney
General, under the provisions of La. R.S. 30:2050.7.

RICHARD P. IEYOUB
ATTORNEY GENERAL

DATED: 11-7-03

BY 
ASSISTANT ATTORNEY GENERAL